

## Committee Room,

Austin, Texas, February 13, 1905.  
Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 174, being "An Act to amend Section 12 and Section 21 of Chapter 128, of the Acts of the Twenty-sixth Legislature, entitled 'An Act providing a mode by which horses, mules, jacks, jennets and cattle may be prevented from running at large in certain counties, or in any subdivision of said counties, so that when an election under said law shall be in favor of the stock law that the certificate thereto shall be prima facie evidence of a compliance with the law to put same in force;' also to provide for the punishment of any one violating the provisions of said Act, and emergency."

And find the same correctly engrossed.

BARRETT, Chairman.

## TWENTY-SIXTH DAY.

Senate Chamber,  
Austin, Texas,

Wednesday, February 15, 1905.

Senate met pursuant to adjournment, Lieutenant Governor Geo. Neal in the chair.

Roll call, quorum present, the following Senators answering to their names:

Barrett.	Hill.
Beatty.	Holland.
Brachfield.	Looney.
Chambers.	Martin.
Davidson.	McKamy.
Faust.	Paulus.
Glasscock.	Skinner.
Griggs.	Smith.
Hanger.	Stafford.
Harbison.	Stokes.
Harper.	Stone.
Hawkins.	Terrell.
Hicks.	Willacy.

Absent.

Decker.

Absent—Excused.

Faulk.	Hale.
Grinnan.	Meachum.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Stone, the same was dispensed with.

(See Appendix for committee reports.)

## EXCUSED.

On motion of Senator Glasscock, Senator Grinnan was excused from attendance upon the Senate till Friday on account of important business.

On motion of Senator Glasscock, Senator Faulk was excused from attendance upon the Senate for this week on account of important business.

On motion of Senator Brachfield, Senator Hale was excused from attendance upon the Senate for today on account of sickness.

## BILLS AND RESOLUTIONS.

By Senator Smith:

Senate bill No. 211, a bill to be entitled "An Act to amend Chapter 2, Title XXI, of the Revised Statutes of the State of Texas, by adding thereto Article 650b, authorizing incorporation for two or more distinct purposes and separate franchise tax for each purpose, and with an emergency clause."

Read first time, and referred to Judiciary Committee No. 1.

By Griggs, Hanger, McKamy, Hicks and Beatty:

Senate bill No. 210, a bill to be entitled "An Act to amend Subdivision 1 of Article 3139, Chapter 1, Title LXII, of the Revised Statutes of the States of Texas, relating to qualifications of jurors, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Stafford:

Senate bill No. 212, a bill to be entitled "An Act to amend Article 3034, Title LVIII, Chapter 1, of the Civil Statutes of the State of Texas of 1895, relating to incorporation of insurance companies."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Hicks:

Senate bill No. 213, a bill to be entitled "An Act to authorize W. S. Gabriel to institute suit against the State of Texas to ascertain what, if any, unpaid balance of salary is due said W. S. Gabriel, as stenographer of the Supreme Court of the State of Texas and making an appropriation therefor."

Read first time, and referred to Judiciary Committee No. 1.

By Senators Paulus and Harper:

Senate bill No. 214, a bill to be entitled "An Act to be prescribed, the duties of the electric telegraph companies as to receiving and transmitting dispatches and messages, and to prescribe penalties thereof, and for other purposes."

Read first time, and referred to Judiciary Committee No. 1.

## PETITIONS AND MEMORIALS.

Senator Glasscock offered the following memorial:

To the Honorable State Senate, Austin, Texas.

Gentlemen: We the undersigned petitioners and citizens of Lampasas county, Texas, most earnestly appeal to your honorable body to pass a law at your present session that will give relief to the people in local option districts of this State from the cold storage and clubs now operated in such districts.

Signed by seventy-eight citizens of Lampasas county.

## FIRST HOUSE MESSAGE.

Hall of the House of Representatives,  
Twenty-ninth Legislature.

Austin, Texas, February 15, 1905.

Hon. George D. Neal, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following

House concurrent resolution No. 9, indorsing the action of the members of congress from Texas in voting to increase the powers of the Interstate Commerce Commission, invoking the assistance of the Senators from Texas and approving the firm and courageous course of the President of the United States in relation thereto.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.  
Morning call concluded.

## PENDING BUSINESS — SENATE BILL NO. 60.

Action being on Senate bill No. 60 (nepotism bill) as pending business, the question being on the substitute amendment by Senator Terrell to the amendment by Senator Davidson.

After considerable discussion the substitute amendment was lost by the following vote:

Yeas—5.

Barrett.	Harbison.
Brachfield.	Terrell.
Chambers.	

Nays—21.

Beaty.	Looney.
Davidson.	Martin.
Faust.	McKamy.
Glasscock.	Paulus.
Griggs.	Skinner.
Hanger.	Smith.
Harper.	Stafford.
Hawkins.	Stokes.
Hicks.	Stone.
Hill.	Willacy.
Holland.	

Absent.

Decker.

Absent—Excused.

Faulk.

Hale.

Grinnan.

Meachum.

Question then being on the amendment by Senator Davidson, the same was lost by the following vote:

Yes—9.

Beaty.	Martin.
Brachfield.	McKamy.
Davidson.	Skinner.
Griggs.	Stokes.
Hawkins.	

Nays—16.

Barrett.	Holland.
Chambers.	Looney.
Faust.	Paulus.
Glasscock.	Smith.
Hanger.	Stafford.
Harbison.	Stone.
Harper.	Terrell.
Hicks.	Willacy.

Absent.

Decker.

Hill.

Absent—Excused.

Faulk.

Hale.

Grinnan.

Meachum.

Senator Hicks offered the following substitute for the bill:

Sub. S. B. 60.)

(By Hicks.)

A bill to be entitled "An Act to prohibit nepotism, to define the same and affix a penalty for such violation.

Be it enacted by the Legislature of the State of Texas:

Section 1. It shall be unlawful for any public officer in this State to practice nepotism.

Sec. 2. Nepotism as herein prohibited is defined to be the employment or appointment by a public officer to any public position under himself of a person related to such public officer within the third degree of affinity or consanguinity, to any position of employment in the public service when such person so related to the public officer is incompetent for any reason to perform the duties of such position.

Sec. 3. Any person violating any provision of this act shall be punished by a fine of not less than one hundred dollars and not more than one thousand dollars.

Senator Hawkins made a point of order, that the substitute bill, under the Senate rule, would have to go over and be referred to a committee and take the course of a bill.

The Chair overruled the point of order.

Senator Looney moved to table the substitute and the same was tabled by the following vote:

## Yeas—15.

Barrett.	Martin.
Brachfield.	McKamy.
Chambers.	Paulus.
Davidson.	Skinner.
Harbison.	Smith.
Harper.	Stokes.
Hawkins.	Terrell.
Looney.	

## Nays—10.

Beaty.	Hicks.
Faust.	Hill.
Glasscock.	Holland.
Griggs.	Stafford.
Hanger.	Willacy.

## Absent.

Decker.	Stone.
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## Absent—Excused.

Faulk.	Hale.
Grinnan.	Meachum.

Senator Stafford offered the following amendment:

Amend Section 1, page 1, line 21, by adding after the word "degree" the following: "Or to appoint or vote for more than one personal or political friend."

Senator McKamy raised the point of order that the amendment was not germane to the bill, and Senator Chambers also raised that point.

The Chair sustained Senator McKamy's point of order.

Senator Stafford offered the following amendment:

Amend Section 5, page 2, by adding to line 26 the following: "The provisions of this act shall not apply to state officers who were chosen by the people at the last general election."

Senator Hicks offered the following amendment to the amendment:

Amend the amendment by adding after "state" the words "and county."

Senator McKamy moved the previous question on the amendment to the amendment and the amendment.

The previous question being duly seconded the question was so ordered.

Senator Skinner moved to table the amendment to the amendment.

Senator Hicks raised the point of order that the previous question had been ordered.

The Chair overruled the point of order.

The amendment to the amendment was tabled by the following vote:

## Yeas—14.

Barrett.	Martin.
Chambers.	McKamy.
Davidson.	Paulus.
Harbison.	Skinner.
Harper.	Smith.
Hawkins.	Stokes.
Looney.	Terrell.

## Nays—12.

Beaty.	Hicks.
Brachfield.	Hill.
Faust.	Holland.
Glasscock.	Stafford.
Griggs.	Stone.
Hanger.	Willacy.

## Absent.

Decker.

## Absent—Excused.

Faulk.	Hale.
Grinnan.	Meachum.

The amendment was, on motion of Senator Skinner, tabled by the following vote:

## Yeas—15.

Barrett.	Martin.
Brachfield.	McKamy.
Chambers.	Paulus.
Davidson.	Skinner.
Harbison.	Smith.
Harper.	Stokes.
Hawkins.	Terrell.
Looney.	

## Nays—11.

Beaty.	Hill.
Faust.	Holland.
Glasscock.	Stafford.
Griggs.	Stone.
Hanger.	Willacy.
Hicks.	

## Absent.

Decker.

## Absent—Excused.

Faulk.	Hale.
Grinnan.	Meachum.

Senator Looney offered the following amendment:

Amend the caption by inserting after the word "member," line 13, as follows: "Or any person so related to any other such officer in consideration of the appointment or vote for the appointment by such other officer of any person so related to the officer making or voting for such appointment."

The amendment was adopted.  
Senator Looney offered the following amendment:

Amend the caption by striking out all after the word "providing," in line 15, and insert in lieu thereof as follows: "For suitable punishment and removal from office for the violation of this act, and fixing venue."

The amendment was adopted.  
Senator Stafford offered the following amendment:

Amend by adding after the word "office," in line 21, page 1, the following: "page of Senate or House of Representatives."

Senator McKamy moved the previous question on the amendment and the engrossment of the bill. The motion was duly seconded, and the previous question was ordered by the following vote:

## Yeas—26.

Barrett,	Hill,
Beaty,	Holland,
Brachfield,	Looney,
Chambers,	Martin,
Davidson,	McKamy,
Faust,	Paulus,
Glasscock,	Skinner,
Griggs,	Smith,
Hanger,	Stafford,
Harbison,	Stokes,
Harper,	Stone,
Hawkins,	Terrell,
Hicks,	Willacy,

## Absent.

Decker.

## Absent—Excused.

Faulk,	Hale,
Grinnan,	Meachum,

The amendment was adopted by the following vote:

## Yeas—24.

Barrett,	Hill,
Beaty,	Holland,
Brachfield,	Looney,
Davidson,	Martin,
Faust,	McKamy,
Glasscock,	Paulus,
Griggs,	Skinner,
Hanger,	Stafford,
Harbison,	Stokes,
Harper,	Stone,
Hawkins,	Terrell,
Hicks,	Willacy,

## Nays—2.

Chambers,	Smith,
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## Absent.

Decker.

## Absent—Excused.

Faulk,	Hale,
Grinnan,	Meachum,

Question then being on the engrossment of the bill and on that motion Senator Stafford moved a call of the Senate. The motion was duly seconded, and,

The roll was called, the following Senators answering to their names:

Barrett,	Hill,
Beaty,	Holland,
Brachfield,	Looney,
Chambers,	Martin,
Davidson,	McKamy,
Faust,	Paulus,
Glasscock,	Skinner,
Griggs,	Smith,
Hanger,	Stafford,
Harbison,	Stokes,
Harper,	Stone,
Hawkins,	Terrell,
Hicks,	Willacy,

## Absent.

Decker.

## Absent—Excused.

Faulk,	Hale,
Grinnan,	Meachum,

ABSENTEES—NOT EXCUSED.  
Senator Decker.

Senator Smith moved to excuse the absentees, which motion was lost by the following vote:

## Yeas—16.

Barrett,	Looney,
Brachfield,	Martin,
Chambers,	McKamy,
Davidson,	Paulus,
Glasscock,	Skinner,
Harbison,	Smith,
Harper,	Stokes,
Hawkins,	Terrell,

## Nays—10.

Beaty,	Hill,
Faust,	Holland,
Griggs,	Stafford,
Hanger,	Stone,
Hicks,	Willacy,

## Absent.

Decker.

## Absent—Excused.

Faulk,	Hale,
Grinnan,	Meachum,

## SECOND HOUSE MESSAGE.

House of Representatives.

Austin, Texas, Feb. 15, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

House bill No. 53, a bill to be entitled "An Act to amend Articles 5243i and 5243j, of an act entitled 'An Act to amend Articles 5243e, 5243i, 5243j and 5243k, of Chapter 9, Title CIV, of the Revised Civil Statutes, relating to the taxation of insurance, telephone, sleeping car and dining car and other corporations, and to provide for forfeiting the charters of domestic corporations and permits of foreign corporations to do business in this State for failure to pay the franchise tax levied by this act, and to define and prescribe the notice to be given to said corporations previous to said forfeiture, and to provide adequate penalties for a violation of this act,' passed at the present session and approved April 30, 187." same being Chapter 120, of the General Laws of the State of Texas, passed at the regular session of the Twenty-fifth legislature, in relation to the amounts of the annual franchise tax on domestic and foreign corporations, and the method of computing same, and the enforcement of the payment of such tax."

BOB BARKER,

Chief Clerk of the House of Representatives.

## BILLS READ AND REFERRED.

The Chair had read and referred, after their captions had been read, the following bills:

House bill No. 53, to Judiciary Committee No. 1.

(See above message for caption.)

## HOUSE CONCURRENT RESOLUTION NO. 9.

The Chair laid before the Senate House Concurrent Resolution No. 9.

Whereas, Texas is a long distance from the manufacturing and market centers of the United States, and the high interstate rates now being charged to Texas common points make an amendment of the Interstate Commerce Law increasing the powers of the Interstate Commerce Commission so as to enable said Commission to ascertain and enforce reasonable freight rates, one of deep concern to our people; therefore be it

Resolved by the House of Representatives and Senate concurring, that we endorse the action of our members

of Congress in voting for a bill to increase the powers of the Interstate Commerce Commission, and we invoke the assistance of our Senators in securing the passage of such needed legislation through the Senate of the United States; we also commend the splendid presentation of the necessity for granting more power to the Interstate Commerce Commission made by a distinguished citizen of Texas, the Hon. Sam Cowan of Fort Worth; and we express our gratification and approval of the firm and courageous course of the President of the United States in respect to this most important question.

The resolution was adopted.

## MOTION TO ADJOURN LOST.

Senator Stafford moved that the Senate stand adjourned till tomorrow morning at 10 o'clock. The motion was lost by the following vote.

Yeas—5.

Barrett.	Holland.
Faust.	Stone.
Glasscock.	

Nays—21.

Beaty.	Looney.
Brachfield.	Martin.
Chambers.	McKamy.
Davidson.	Paulus.
Griggs.	Skinner.
Hanger.	Smith.
Harbison.	Stafford.
Harper.	Stokes.
Hawkins.	Terrell.
Hicks.	Willacy.
Hill.	

Absent.

Decker.

Absent—Excused.

Faulk.	Hale.
Grinnan.	Meachum.

## SENATE BILL NO. 51.

On motion of Senator Davidson, the special order of business (Senate bill No. 70) was suspended, and the Senate took up, out of its order, Senate bill No. 51.

The Chair laid before the Senate, on second reading,

Senate bill No. 51, a bill to be entitled "An Act to amend Section 1 of an Act approved May 20, 1899, entitled 'An Act to prescribe the parties to and venue of suits against railroad corporations and assignees, trustees

and receivers operating any railway over whose transportation lines, or parts thereof, any freight, baggage or other property has been carried during transportation,' so as to prescribe the parties to and venue of suits against railroads, express or transportation companies or common carriers of any kind, or the assignee, lessee, trustee or receiver of any such, operating or doing business in this State, or having an agent or representative in this State where any damage, loss or other cause of action arises, out of the transportation or contract in relation to the carriage of passengers or freight, baggage or other property, and providing for the apportionment of the damage recovered between the defendants; and providing additional means of obtaining service on non-resident corporations having agents in this State."

(Senator Willacy in chair.)

On motion of Senator Davidson, the committee report, with committee amendments, was adopted.

Senator Looney offered the following amendment:

Amend Section 2, page 5, by striking out all after the word "Texas," in line 4, and insert in lieu thereof as follows: "Or upon any agent who has an office in Texas, and who sells tickets or makes contracts for the transportation of passengers or property over any line of railway or part thereof, or steamship or steamboat of any such foreign corporation or company."

The amendment was adopted.

Senator Looney offered the following amendment:

Amend Section 3, page 5, by striking out after the word "corporations," and insert in lieu thereof as follows: "Conductors who are engaged in handling trains and agents engaged in the sale of tickets or the making of contracts for the transportation of property as described in Section 2 of this Act, are hereby designated as agents of said foreign corporations or companies upon whom citation may be served."

The amendment was adopted.

Amend Section 1, page 1, line 22, by inserting after the words "express companies" the words "steamship or steamboat companies."

The amendment was adopted.

Senator Looney offered the following amendment:

Amend the caption by inserting after the word "corporations," in line 21, the words "or companies."

The amendment was adopted.

#### HOUSE BILL NO. 57.

On motion of Senator Davidson, the regular order of business, Senate bill

No. 70, was suspended, and the Senate took up, out of its order, House bill No. 57.

The Chair laid before the Senate on second reading,

House bill No. 57, a bill to be entitled "An Act to prescribe the parties to and venue of suits against railroads, express companies and other common carriers and assignees, lessees, trustees and receivers thereof; to provide for the apportionment of damages recovered in such suits; and to repeal all laws and parts of laws in conflict herewith."

On motion of Senator Davidson the committee report was adopted.

Senator Davidson offered the following substitute for the bill:

Senate substitute bill No. 51.

A bill to be entitled "An Act to amend Section 1 of an act approved May 20, 1899, entitled 'An Act to prescribe the parties to and venue of suits against railroad corporations and assignees, trustees and receivers operating any railway over whose transportation lines, or parts thereof, any freight, baggage or other property has been carried during transportation,' so as to prescribe the parties to and the venue of suits against railroads, express or transportation companies or common carriers of any kind, or the assignee, lessee, trustee or receiver of any such, operating or doing business in this State, or having an agent or representative in this State, where any damage, loss or other cause of action arises, out of the transportation or contract in relation to the carriage of passengers or freight, baggage or property, and providing for the apportionment of the damage recovered between the defendants, and providing additional means of obtaining service on non-resident corporations having agents in this State."

Be it enacted by the Legislature of the State of Texas,

Section 1. That whenever any freight, baggage or other property has been transported by two or more railroads, express companies or other common carriers, suit for loss or damages thereto or other causes of action connected therewith or arising out of such transportation or contract in relation thereto, may be brought against any one or all of such common carriers or against the assignees, trustees, lessees, or receivers thereof in any county in which either of such carriers is operated by lease or otherwise, or receives or delivers property; or suit may be brought in any county in which either of such common carriers has an agent or other representative upon which process may be served; it is provided, however, that



if damages be recovered against more than one carrier not partners in the shipment or contract they may be apportioned between the defendants by the verdict of the jury and the judgment of the court, or by the judgment alone, should no jury be demanded; and it is provided that this act shall not change the venue in any case now pending.

Sec. 2. That service may be had on foreign corporations having agents in this State in addition to the means now provided by law by serving citation upon any train conductor who is engaged in handling trains for two or more railway corporations, whether said railroad corporations are foreign or domestic corporations, if said conductor handles trains over foreign or domestic corporations' track across the State line of Texas, and on the track of a domestic railway corporation within the State of Texas, or upon any ticket agent who has an office in Texas and who sells tickets for transportation of passengers over any line of railway or part thereof of such foreign corporations.

Sec. 3. For the purpose of obtaining service of citation on foreign railway corporations conductors who are engaged in handling trains, and ticket agents engaged in the sale of tickets, as described in Section 1 of this act, are hereby designated as agents of said railway corporations.

#### SENATE BILL NO. 159—MADE SPECIAL ORDER.

On motion of Senator McKamy the regular order of business (Senate bill No. 70), was suspended, and the Senate took up, out of its order, Senate bill No. 159.

The Chair laid before the senate, on its second reading,

Senate bill No. 159, a bill to be entitled "An Act regulating the sale of concentrated commercial feeding stuffs, defining concentrated feeding stuffs, prohibiting the adulteration and providing for the collection of samples, the expenses of the enforcement of the law and fixing penalties for its violation."

On motion of Senator Davidson the bill was made a special order for tomorrow morning at the conclusion of morning call.

#### SENATE BILL NO. 114.

On motion Senator Hicks the special order of business (Senate bill No. 70), was suspended, and the Senate took up, out of its order, Senate bill No. 114.

The Chair laid before the Senate, on

second reading, Senate bill No. 114, a bill to be entitled "An Act to amend Article 785, Chapter 3, Title XVII, of the Penal Code of Texas."

The bill was read second time and ordered engrossed.

#### MOTION TO ADJOURN LOST.

Senator Glasscock moved that the Senate adjourn till tomorrow morning at 10 o'clock.

The motion was lost by the following vote:

Yeas—9.

Barrett.	Smith.
Beaty.	Stafford.
Glasscock.	Stone.
Harbison.	Willacy.
Holland.	

Nays—17.

Brachfield.	Hill.
Chambers.	Looney.
Davidson.	Martin.
Faust.	McKamy.
Griggs.	Paulus.
Hanger.	Skinner.
Harper.	Stokes.
Hawkins.	Terrell.
Hicks.	

Absent.

Decker.

Absent—Excused.

Faulk.	Hale.
Grinnan.	Meachum.

#### PENDING BUSINESS.

Action being on Senate bill No. 114, on motion of Senator Hicks the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—20.

Barrett.	Looney.
Beaty.	McKamy.
Brachfield.	Paulus.
Faust.	Skinner.
Griggs.	Smith.
Hanger.	Stafford.
Hawkins.	Stokes.
Hicks.	Stone.
Hill.	Terrell.
Holland.	Willacy.

Nays—5.

Chambers.	Harper.
Glasscock.	Martin.
Harbison.	

## Absent.

Davidson. Decker.

## Absent—Excused.

Faulk. Hale.  
Grinnan. Meachum.

The bill was read third time and passed.

Senator Hicks moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 210—RECOM-  
MITTED.

On motion of Senator Griggs, the regular order of business (Senate bill No. 70) was suspended, and the Senate took up, out of its order, Senate bill No. 210.

The Chair laid before the Senate Senate bill No. 210, a bill to be entitled "An Act to amend subdivision 1 of Article 3139, Chapter 1, Title LXII, of the Revised Statutes of the State of Texas, relating to qualifications of jurors."

On motion of Senator Hicks the bill was recommitted to Judiciary Committee No. 1.

MOTION TO EXCUSE ABSENTEES  
LOST.

Senator McKamy moved to excuse the absentees on Senate bill No. 60. The motion was lost by the following vote:

## Yeas—17.

Barrett.	Martin.
Brachfield.	McKamy.
Chambers.	Paulus.
Davidson.	Skinner.
Griggs.	Smith.
Harbison.	Stokes.
Harper.	Stone.
Hawkins.	Terrell.
Looney.	

## Nays—9.

Beaty.	Hill.
Faust.	Holland.
Glasscock.	Stafford.
Hanger.	Willacy.
Hicks.	

## Absent.

Decker.

## Absent—Excused.

Faulk. Hale.  
Grinnan. Meachum.SENATE BILL NO. 113—ENGROSS-  
MENT OF.

On motion of Senator Looney, the regular order of business (Senate bill No. 70) was suspended, and the Senate took up, out of its order, Senate bill No. 113 by the following vote:

## Yeas—21.

Barrett.	Looney.
Beaty.	McKamy.
Davidson.	Paulus.
Faust.	Skinner.
Glasscock.	Smith.
Hanger.	Stafford.
Harper.	Stokes.
Hawkins.	Stone.
Hicks.	Terrell.
Hill.	Willacy.
Holland.	

## Nays—5.

Brachfield.	Harbison.
Chambers.	Martin.
Griggs.	

## Absent.

Decker.

## Absent—Excused.

Faulk. Hale.  
Grinnan. Meachum.

## MOTION TO ADJOURN LOST.

Senator Hanger moved that the Senate adjourn until tomorrow morning at 10 o'clock.

The motion to adjourn was lost by the following vote:

## Yeas—12.

Barrett.	Hicks.
Beaty.	Hill.
Faust.	Holland.
Glasscock.	Stafford.
Hanger.	Stone.
Harbison.	Willacy.

## Nays—14.

Brachfield.	Martin.
Chambers.	McKamy.
Davidson.	Paulus.
Griggs.	Skinner.
Harper.	Smith.
Hawkins.	Stokes.
Looney.	Terrell.

## Absent.

Decker.

## Absent—Excused.

Faulk. Hale.  
Grinnan. Meachum.



MOTION TO EXCUSE ABSENTEES  
LOST.

Senator Davidson moved to excuse the absentees. The motion was lost by the following vote:

Yeas—17.

Barrett.	Martin.
Brachfield.	McKamy.
Chambers.	Paulus.
Davidson.	Skinner.
Glasscock.	Smith.
Harblson.	Stokes.
Harper.	Stone.
Hawkins.	Terrell.
Looney.	

Nays—9.

Beaty.	Hill.
Faust.	Holland.
Griggs.	Stafford.
Hanger.	Willacy.
Hicks.	

Absent.

Decker.

Absent—Excused.

Faulk.	Hale.
Grinnan.	Meachum.

PENDING BUSINESS—SENATE  
BILL NO. 113.

Action recurring on pending business, the Chair laid before the Senate, on second reading, Senate bill No. 113, a bill to be entitled "An Act to amend Title XXII, Article 750, of the Revised Civil Statutes of Texas, relating to counter claims, providing that where the defendant pleads any counter claim, the plaintiff shall take notice thereof, and no citation thereon shall be necessary."

The bill was read second time and ordered engrossed.

MOTION TO EXCUSE ABSENTEES  
LOST.

Senator Davidson moved to excuse the absentees on Senate bill No. 60.

The motion was lost by the following vote:

Yeas—17.

Barrett.	Martin.
Brachfield.	McKamy.
Chambers.	Paulus.
Davidson.	Skinner.
Glasscock.	Smith.

Harblson.	Stokes.
Harper.	Stone.
Hawkins.	Terrell.
Looney.	

Nays—8.

Faust.	Hill.
Griggs.	Holland.
Hanger.	Stafford.
Hicks.	Willacy.

Present.

Beaty.

Absent.

Decker.

Absent—Excused.

Faulk.	Hale.
Grinnan.	Meachum.

SENATE BILL NO 47—MADE SPE-  
CIAL ORDER.

On motion of Senator Holland, the regular order of business (Senate bill No. 70) was suspended, and the Senate took up, out of its order, Senate bill No. 47, by the following vote:

Yeas—21.

Barrett.	Hill.
Beaty.	Holland.
Brachfield.	Looney.
Davidson.	McKamy.
Faust.	Paulus.
Glasscock.	Skinner.
Griggs.	Stafford.
Hanger.	Stone.
Harper.	Terrell.
Hawkins.	Willacy.
Hicks.	

Nays—5.

Chambers.	Smith.
Harblson.	Stokes.
Martin.	

Absent.

Decker.

Absent—Excused.

Faulk.	Hale.
Grinnan.	Meachum.

The Chair laid before the Senate, on second reading,

Senate bill No. 47, a bill to be entitled "An Act to authorize the Gulf, Colorado and Santa Fe Railway company to purchase the railroads and all other property of the Cane Belt

Railroad company, now owned and hereafter acquired, and to operate the same under the charter of the Gulf, Colorado and Santa Fe Railway company as part of its own line, with the right to extend the said road, and to construct branches therefrom by amendment of its charter under the General Laws of the State of Texas; and to authorize the corporation or corporations, person or persons, now or hereafter owning the said property, to sell the same to the Gulf, Colorado and Santa Fe Railway company, and until such purchase is made to authorize the lease by the Gulf, Colorado and Santa Fe Railway company of the railroad and other properties of said other company."

On motion of Senator Holland, the bill was made a special order for next Wednesday morning at conclusion.

#### VOTE RECONSIDERED.

Senator Hicks moved to reconsider the vote by which Senate bill No. 210 was recommitted.

The motion prevailed.

#### BILLS SIGNED.

The Chair (Lieutenant Governor Neal) gave notice of the signing, and did sign in the presence of the Senate after their caption had been read.

House bill No. 81, a bill to be entitled "An Act to amend Article 883, of Chapter 11, of the Penal Code of the State of Texas, relating to the theft of animals, and providing a penalty therefor."

House bill No. 86, a bill to be entitled "An Act to create a more efficient road system for Cherokee and Wood counties."

Lieutenant Governor Neal in the chair.

#### ADJOURNMENT.

On motion of Senator Glasscock, the Senate, at 4:05 o'clock p. m., adjourned until tomorrow at 10 o'clock a. m. by the following vote:

#### Yeas—16.

Barrett.	Hill.
Beaty.	Holland.
Brachfield.	Looney.
Faust.	Skinner.
Glasscock.	Smith.
Griggs.	Stafford.
Hanger.	Stone.
Hicks.	Willacy.

#### Nays—10.

Chambers.	Martin.
Davidson.	McKamy.
Harbison.	Paulus.
Harper.	Stokes.
Hawkins.	Terrell.

#### Absent.

Decker.

#### Absent—Excused.

Faulk.	Hale.
Grinnan.	Meachum.

#### APPENDIX A.

#### JOURNAL CORRECTION.

Friday's Journal should have shown the following as a confirmation by the Senate in executive session:

Edwin Bruce, of Galveston county, to be Clerk at Galveston of the Criminal District Court of Galveston and Harris counties, to fill the vacancy occasioned by the death of R. A. Burney.

The Journal of Friday should show Senator Terrell as present at roll call. The correction will be made.

In the Journal of Tuesday the same should show bills "Read and Referred" instead of "Bills Signed."

#### APPENDIX B.

#### COMMITTEE REPORTS.

#### ROADS, BRIDGES AND FERRIES.

Committee Room,

Austin, Texas, February 15, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 373, a bill to be entitled "An Act to create a more efficient road system for Kaufman county, Texas, and making the county commissioners of said county ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as such road commissioners; and providing for the working of county convicts upon the public roads of said county and providing for the amount of compensation in road time to be allowed by overseers to road hands for teams and road work; and providing for the con-

demnation of lands for public road purposes and relieving road hands from the performance of road work by the payment of the sum of \$3; and providing for elections for issuance of bonds for public road and bridge purposes, and providing for the issuance and sale of such bonds by the commissioners court of said county; and providing for the making of this law cumulative of the general laws; and in case of conflict this act to govern as to Kaufman county, Texas; and fixing a penalty for the violation of this act, and repealing all laws in conflict with this act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and that the same be not printed.

MARTIN, Chairman.

#### JUDICIARY NO. 1.

Committee Room,

Austin, Texas, February 15, 1905.

Hon. George D. Neal, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 211, a bill to be entitled "An Act to amend Chapter 2, Title XXI of the Revised Civil Statutes of the State by adding thereto Article 650b, authorizing incorporation for two or more purposes, and for separate franchise tax for each, and with an emergency clause,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HICKS, Chairman.

Committee Room,

Austin, Texas, February 15, 1905.

Hon. George D. Neal, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 210, a bill to be entitled "An Act to amend Subdivision 1 of Article 3139, Chapter 1, Title LXII, of the Revised Statutes of the State of Texas, relating to qualifications of jurors, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that the bill be not printed.

HICKS, Chairman.

#### TOWNS AND CITY CORPORATIONS.

Committee Room,

Austin, Texas, February 14, 1905.

Hon. George D. Neal, President of the Senate.

Sir: Your Committee on City and Town Corporations, to whom was referred

Senate bill No. 200, a bill to be entitled "An Act to amend Article 548 of the Revised Statutes of 1895, regulating the condemnation of property in cities and towns for the purpose of opening, widening and changing public streets, avenues and alleys, and for water mains, sewers, hospitals and pest houses, so as to regulate the condemnation of property, whether within or without such cities and towns, for the erection and construction thereof of supply reservoirs and standpipes for waterworks,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

BEATY, Chairman.

Committee Room,

Austin, Texas, February 14, 1905.

Hon. George D. Neal, President of the Senate.

Sir: Your Committee on City and Town Corporations, to whom was referred

House bill No. 14, a bill to be entitled "An Act to authorize commissioners courts, city councils of incorporated cities and towns, and boards of trustees of independent school districts or any other school districts or school communities to invest sinking funds in certain securities,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

BEATY, Chairman.

Committee Room,

Austin, Texas, February 14, 1905.

Hon. George D. Neal, President of the Senate.

Sir: Your Committee on City and Town Corporations, to whom was referred

Senate bill No. 129, a bill to be entitled "An Act to amend Articles 1544 and 1546 of Chapter 2, Title XXXII of the Revised Civil Statutes of Texas of 1895,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

BEATY, Chairman.

Committee Room,  
Austin, Texas, February 14, 1905.  
Hon. George D. Neal, President of the Senate.

Sir: Your Committee on City and Town Corporations, to whom was referred

Senate bill No. 128, a bill to be entitled "An Act to amend Article 4673, Title XCVII, Chapter 1, of the Revised Civil Statutes of Texas, 1895,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

BEATY, Chairman.

#### TWENTY-SEVENTH DAY.

Senate Chamber,  
Austin, Texas,  
Thursday, February 16, 1905.  
Senate met pursuant to adjournment, Lieutenant Governor Geo. D. Neal in the chair.

Roll call, quorum present, the following Senators answering to their names:

Barrett.	Hill.
Beaty.	Holland.
Brachfield.	Looney.
Chambers.	Martin.
Davidson.	McKamy.
Decker.	Meachum.
Faust.	Paulus.
Glasscock.	Skinner.
Griggs.	Smith.
Hale.	Stafford.
Harbison.	Stokes.
Harper.	Stone.
Hawkins.	Terrell.
Hicks.	Willacy.

Absent.

Hanger.

Absent—Excused.

Faulk. Grinnan.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Skinner the same was dispensed with.

#### PETITIONS AND MEMORIALS.

Senator Meachum offered the following memorial:

Livingston, Texas, Feb. 10, 1905.  
To the Honorable McDonald Meachum, State Senator, and Honorable W. B. O'Quinn, Representative, and Honorable S. M. Davis, Representative,

in the Legislature of the State of Texas.

Gentlemen: We, the undersigned members of the bar of Polk county, Texas, understand that there is a legislative move on foot connecting Polk county with the Nacogdoches district, and we most respectfully petition you and each of you to use all the honorable means to keep Polk county in the Ninth Judicial District.

In this petition several of our county and precinct officers join us, and their names officially signed appear in this petition.

Respectfully submitted.

Numerously signed.

Senator Meachum offered the following:

At a mass meeting of the Navasota Fire Department, held Wednesday night, the following resolutions were unanimously passed:

Whereas, There is now pending in the Legislature of the State of Texas a bill aimed to prohibit railroads of said State issuing free passes; and

Whereas, In the form said bill passed the honorable Senate of the State we deem it a death blow to the State Firemen's Association of Texas, in which body this department holds membership. Said association is an organization aimed entirely for the public good and upbuilding, with no personal pecuniary rewards expected or possible. It is non-political and non-partisan, and a beneficial assistance to the various local volunteer fire departments throughout the State, and as such an important and beneficial adjunct, has been recognized and encouraged by the public-spirited railway managements of this State to the extent of free transportation to and from the annual conventions of said body; therefore be it

Resolved, That this meeting convey to our honorable State Senator and honorable Representative in said Legislature these resolutions as the view of this department, as one of the reasons why the present anti-free pass bill recently passed by the honorable State Senate and now before the honorable House of Representatives, should not be made a law; and that these Representatives be and are respectfully requested to use their every endeavor to have an amendment made to said anti-free pass bill as will exempt from its operations members of the said State Firemen's Association of Texas.

M. L. O. ANDREWS,

Chief Navasota Fire Department.

SHIELDS NORWOOD, Secretary.

Senator Chambers offered the following:

The State of Texas, county of Red River.